



REC Networks / REC ネットワーク

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July 9, 2019

Via ECFS – ***Notice of ex parte presentation***

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St SW
Washington, DC 20554

In the matter of: MB Docket 19-3, MB Docket 18-184, MB Docket 17-105, RM-11810, MB Docket 17-264 and MB Docket 05-6, MB Docket 13-249, RM-11836

Dear Ms. Dortch:

On July 9, 2019, as founder of REC Networks (REC), I met with Albert Shuldiner, Division Chief, Media Bureau, Audio Division. During the meeting various positions of REC were expressed.

I had discussed the importance of LPFM stations, especially in times of emergency. I had discussed the services that station KBUU-LP, Malibu, California provided in the wake of the fire and how they have been involved in the recovery effort. I also discussed my recent trip to Southern California visiting successful LPFM stations including KBUU-LP, KWSV-LP, KXRN-LP and KQLH-LP. I had discussed the success of the FM booster that has been operational for KWSV-LP and mentioned that because of the terrain in the region, FM boosters are necessary to provide local radio in more places and expressed my thanks for the handling of booster applications for LPFM to be handled as routine.

On **19-3**, I had discussed my concerns regarding gamesmanship in filing as well as site assurance related issues. I did note that some of the questionable applications filed in the 2013 LPFM window could have been avoided if there was a rule or policy in place to require a letter of site assurance at the time of filing. We had also discussed time sharing and the REC “viable time share” proposal previously forward in an *ex parte* presentation to Audio Division staff.

I had discussed the undocketed proceeding proposed by REC to allow noncommercial educational (NCE) qualified organizations in smaller communities to apply for new stations if channels are not available due to urbanized areas and a channel could be used if a second or third adjacent waiver is provided, even with *de minimis* population coverage.

I had expressed a desire for the Commission to proceed with a filing window for new NCE and eventually, LPFM stations after the *Report and Order* in this proceeding.

On **18-184**, I had expressed a “tolerance” for the C4 class of service despite the potential increase of noise floor to some LPFM stations but I had also expressed a strong opposition to the proposal related to §73.215 and suggested that such a proposal would destroy the secondary services including LPFM and the recently awarded AM Revitalization translators. The “waiver” concept previously presented by SSR on *ex parte*, while more tolerable, is not statutorily sound as it would violate Section 5 of the Local Community Radio Act. Because of the fact that many Class A FM stations are operating with far less than maximum power, they would likely not upgrade even if they were afforded an opportunity.

On **17-105 & RM-11810**, I had expressed my desire for the Commission to issue a *Notice of Proposed Rulemaking* in respect to the issues that LPFM stations are currently facing from a technical perspective including a complete reinterpretation of the LCRA including using the “LP-10” distance separations as a minimum requirement. I have stated that it is highly desirable that the ability for some stations to upgrade to a 250-watt ERP is possible as it is needed, especially in needs of building penetration. The status of a new 250-watt service is one of my most frequently asked questions. I had reminded Mr. Shuldiner that the topic of 250-watt LPFM stations came up in the *Sixth Report and Order* and was rejected due to “disagreement in the LPFM community” (i.e. one fringe group wanted the stations only in deep rural areas while promoting 10-watt stations in the urban and suburban areas while the mainstream LPFM groups including REC, Prometheus Radio Project and Common Frequency supported LP-250 “wherever it can fit”.)

I had noted that the current rules for LPFM do not specify a procedure for LPFM stations filing silent notifications and STAs but had noticed under general culture, many LPFM stations are filing them. I expressed my position that the rules should be amended to codify the silent requirement, especially considering that I had been hearing reports that there are LPFM stations that have been silent for long periods of time including over one year.

On **17-264 & 05-6**, I have acknowledged that LPFM stations are statutorily subject to the public notice requirements despite a lack of a regulation implementing it. I have expressed concerns that the requirement that LPFM and NCE new entrants be required to place 4 legal notices in the newspaper during the application process would be burdensome and would be a barrier to entry. I have asked for a reasonable relief for LPFM and NCE applicants that would still comply with statute. This includes only requiring a single ad in the paper or a physical public notice at the organizations’ location visible from the street. I had also looked at other options including the private sector operating a website for the purposes of LPFM and NCE public notices where this statutory requirement could be fulfilled. Existing LPFM and NCE stations should be able to use their website.

On **13-249/RM-11836**, I had expressed my support for the petition to allow AM broadcast stations to voluntarily migrate to MA3 all-digital mode. We are nowhere near ready in the

marketplace because of the lack of receiver penetration. I had expressed that if AM stations migrate to MA3, that should be a final solution meaning that they should be required to surrender cross-service translators. I had also suggested the reallocation of TV Channels 5 and 6 (76~88 MHz) as a way to extend FM by 60 channels to accommodate migrating AM stations.

Respectfully submitted,

/S/

Michelle Bradley, CBT

Founder

REC Networks